

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Dion Orlando Taylor,)	C/A NO. 0:11-1456-CMC-PJG
)	
Petitioner,)	
)	OPINION and ORDER
v.)	
)	
Warden of Allendale Correctional)	
Institution,)	
)	
Respondent.)	
_____)	

This matter is before the court on Petitioner’s *pro se* motion to Alter or Amend Judgment. ECF No. 34 (filed Dec. 14, 2011).

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). “Whatever may be the purpose of Rule 59(e) it should not be supposed that it is intended to give an unhappy litigant one additional chance to sway the judge.” *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625 (S.D. Miss. 1990).

Petitioner’s motion is reargument of material submitted in opposition to the Report and Recommendation of the Magistrate Judge. Petitioner’s motion is an attempt to have “one additional chance to sway the judge.” *Id.* Therefore, Petitioner’s motion is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 19, 2011